

**REMARKS**

Claims 1, 9 through 12, 15, 16, 24, 25, 30, 54, 56, 58 through 83 are pending in this Application. Claim 57 has been canceled without prejudice or disclaimer. Claims 1, 9 through 12, 15, 16, 24, 25, 30, 54, 56, 58 through 64 have been amended, and new claims 65 through 83 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, FIG. 1, Table 1, and ¶¶ [0008], [0036], [0037], [0043] through [0045], [0047] through [0052], [0055] through [0057], [0061], [0067], [0069], and [0071] of the corresponding US Pub. No. 2002/0165024. Applicant submits that the present Amendment does not generate any new matter issue.

**Personal Interview of February 17, 2010.**

Applicant expresses appreciation for the courtesy of the Examiner and his supervisor in granting and conducting a personal interview on February 17, 2010. During the interview, the Examiner and supervisor indicated that the present claim amendments appeared to overcome the objections and cited portions of the prior art references of record. It is with that understanding that the present Amendment is submitted.

**Claim Objections.**

The Examiner objected to claims 9, 24, 25, and 61 through 63, noting that they depend from canceled claims. In response, these apparent oversights have been corrected. Accordingly, withdrawal of the objection to claims 9, 24, 25, and 61 through 63 is solicited.

**Claims 1, 9 through 12, 15, 24, 25, 30, 54, and 56 through 64 were rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support.**

In stating the rejection, the Examiner asserted that the recitations of “the message being **generated independently** of the gaming content,” “the event-related predefined message also being **automatically modified** to be transmitted from the service platform as requested by the terminal” in claims 1, 16, 54, and 64, the recitation of “a computer-readable storage medium” in claim 64, as well as the recitations of claims 58 through 63, are not adequately described in the original specification. This rejection is traversed.

Initially, literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d at 923; *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton*, 76 F.3d 1168, 1172 (Fed.Cir.1996)). Further, a patent applicant has the right to narrow an originally disclosed invention. *In re Johnson*, 558 F.2d 1008 (C.C.P.A.). These legal tenants support the determination that one having ordinary skill in the art would have recognized from the originally filed disclosure that Applicant had possession of the claimed subject matter.

Specifically, at least ¶¶ [0037] and [0071] of the written description of the specification would have reasonably conveyed to one having ordinary skill in the art that Applicant had possession of the now claimed invention at, including that the limitation “the event-related predefined message is **automatically modified** to be transmitted from the service platform as requested by the terminal”, as recited in claims 1, 16, 54, and 64.

At least the memory 56 recited in ¶ [0035] of the written description of the specification supports the recitation of “a computer-readable storage medium” in claim 64.

At least ¶ [0067] of the written description of the specification provides adequate descriptive support for the limitation “said service platform **automatically attaches a web link** of the on-line gaming service to the at least one gaming-event-related predefined message, **prior to sending out the at least one gaming-event-related predefined message therefrom**”, as now recited in claim 58.

At least ¶ [0067] of the written description of the specification provides adequate descriptive support for the limitation “said service platform receives from the at least another one terminal a gaming-event-related predefined message attached with a question for gaming moves with respect a current situation in the game, sends an automated response to the question to the at least another one terminal, and charges a user of the at least another one terminal a fee specific for the response”, as now recited in claims 59, 61, and 62.

At least ¶ [0067] of the written description of the specification provides adequate descriptive support for the limitation “said service platform prompts the user to send the gaming-event-related predefined message attached with the question or causes the gaming-event-related predefined message attached with the question” as now recited in claims 60 and 63.

While Applicant does not agree with the Examiner’s determination, to expedite prosecution, the recitation “the message being **generated independently** of the gaming content” has been removed, thereby overcoming the stated bases for the rejection.

Applicant therefore solicits withdrawal of the rejection of claims 1, 9 through 12, 15, 24, 25, 30, 54, and 56 through 64 under the first paragraph of 35 U.S.C. §112.

**Claims 1, 9 through 12, 15, 24, 25, 30, 54, and 56 through 64 were rejected under 35 U.S.C. §112, second paragraph.**

In stating the rejection, the Examiner asserted that the recitation “the message being **generated independently** of the gaming content” in claims 1, 16, 54, and 64, as well as the recitations of claims 58 through 63, render the claimed inventions indefinite. In addition, claims 9, 24, 25, and 61 through 63 depend from canceled claims. This rejection is traversed.

For reasons advocated *supra* with respect to the rejection under 35 U.S.C. §112, first paragraph, it is apparent that one having ordinary skill in the art would have no difficulty understanding the scope of the claimed subject matter, particularly when reasonably interpreted in light of the entire disclosure which is the judicial standard.); *Miles Laboratories, Inc. v. Shandon, Inc.*, 997 F.2d 870 (Fed. Cir. 1993).

As mentioned, claims 9, 24, 25, and 61 through 63 have been corrected to depend from pending claims.

Applicant therefore solicits withdrawal of the rejection of claims 1, 9 through 12, 15, 24, 25, 30, 54, and 56 through 64 under the second paragraph of 35 U.S.C. §112.

**(1) Claims 1, 11, 12, 15, 16, 24, 30, 54, 56, 57, and 59 through 64 were rejected for obviousness under 35 U.S.C. §103(a) based on *Eck et al.* (US 6716103, “*Eck*”)**

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Eck*’s portable game machine to arrive at the claimed inventions, to improve the enjoyment of the game. Applicant respectfully traverses this rejection.

There are fundamental differences between the claimed inventions and *Eck* that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, independent claims 1, 16, and 64 recite, *inter alia*: “causing, at least in part, transmission, during a game, a **gaming-event-related predefined message** selected at **the wireless communication terminal**

to at least another one terminal, the gaming-event-related predefined message being automatically modified to be transmitted from the service platform to the at least another one terminal based upon a presenting capability of the at least another one terminal, **the gaming event being triggered by game playing interaction taken through the wireless communication terminal and the at least another one terminal during the game.**" These features are neither disclosed nor suggested by *Eck*, as acknowledged by the Examiner during the personal interview.

*Eck*'s game machine receives messages containing video game program instructions transmitted via a paging system (Abstract). In contrast to the claimed inventions, *Eck*'s paging system operator messages are sent from the **system** to terminals, but not being sent from/for one **terminal** to another terminal (col. 9, lines 46 through 59). In addition, *Eck*'s paging system operator messages contain only video game program instructions such that they are not **"game-event-related predefined messages, and a game event being triggered by gaming interaction taken through the terminal and the at least another one terminal during the game."** For example, *Eck*'s system operator messages include only mini-games, special game levels sample games, game tips and hints, system operator information, general game news advertising, promotional information, e-mail, stock price quotations, sports scores, news updates and customer-requested information, e.g., top movies of the week, top songs of the week (col. 9, lines 52 through 59). These messages, e.g., are general user messages (e.g., "MALL @ 3?" in FIG. 11A), rather than "game-event-related predefined messages". Moreover, *Eck*'s paging system operator messages are transmitted during off-peak messaging hours, rather than **during the game.**

There is no apparent basis of record upon which to conclude that one having ordinary skill in the art would somehow have been led to dramatically modify Eck to arrive at the claimed inventions. *In re Kahn*, 441 F.3d 977, 988 (C.A. Fed. 2006). Applicant, therefore, submits that the imposed rejection of claims 1, 11, 12, 15, 16, 24, 30, 54, 56, 57, and 59 through 64 under 35 U.S.C. §103(a) for obviousness based on *Eck* is not factually or legally viable and, hence, solicits withdrawal thereof.

**(2) Claims 9, 10, 25, and 58 were rejected for obviousness under 35 U.S.C. §103(a) based on *Eck et al* in view of *Bennett et al.* (US 2002/0112014, “*Bennett*”).**

**(3) Claims 9 through 11, 25, 26, and 58 were rejected for obviousness under 35 U.S.C. §103(a) based on *Eck et al* in view of *Rouse et al.* (US 6,983,310, “*Rouse*”).**

Each of the above-identified rejections (2) and (3) under 35 U.S.C. §103(a) is respectfully traversed.

Specifically, claims 9 through 11, and 58 depend from independent claim 1, and claims 25 and 26 depend from independent claim 16. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of independent claims 1 and 16 under 35 U.S.C. §103(a) for obviousness predicated upon *Eck*. The additional references to *Bennett* and *Rouse* do not cure the previously argued deficiencies in *Eck*. Accordingly, even if the applied references were combined as proposed by the Examiner, and Applicant does not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. *See Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant therefore submits that the above-identified rejections (2) and (3) under 35 U.S.C. 103(a) encompassing

claims 9 through 11, 25, 26, and 58, are not factually or legally viable and, hence, solicits withdrawal thereof.

**New claims 65 through 83.**

New independent claim 71 recites similar features to those in independent claim 1 and, hence, is free of the applied prior art for reasons advocated *supra* with respect to independent claim 1. New claim 65 depends from independent claim 64, new claims 66 through 69 depends from independent claim 1; new claim 70 depends from independent claim 16; and new claims 72 through 83 depends from independent claim 71. Applicant submits that claims 65 through 70, and 72 through 83 are free of the applied prior art for reasons advocated *supra* with respect to independent claims 1, 16, 64 and 71. Accordingly, claims 65 through 83 are free of the applied prior art.

Based upon the foregoing, it is apparent that the imposed objections and rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

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